

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WYATT EARL SHELLMON,

Plaintiff,

vs.

GOODALE & BARBIERI
COMPANIES,

Defendant.

No. CV-08-087-LRS

ORDER OF DISMISSAL

On April 22, 2008, this court filed an order (Ct. Rec. 8) directing the *pro se* Plaintiff to file a First Amended Complaint remedying specific deficiencies the court identified with regard to Plaintiff's original "complaint."

On April 28, 2008, the Plaintiff filed what can only be described as a "statement" (Ct. Rec. 9), attached to which are exhibits Plaintiff asserts are "evidence" of racism on the part of Defendants. Plaintiff's "statement" is not a "First Amended Complaint" and it does not remedy the deficiencies this court previously identified.

Accordingly, pursuant to Fed. R. Civ. P. 41(b), the captioned action is **DISMISSED without prejudice** for Plaintiff's failure to file a "First Amended Complaint" which complies with the Federal Rules of Civil Procedure, specifically Fed. R. Civ. P. 8(a) and 10(b).

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IT IS SO ORDERED. The District Executive shall forward a copy of this order to Plaintiff and **CLOSE** this file.

DATED this 22nd of May, 2008.

s/Lonny R. Suko

LONNY R. SUKO
United States District Judge